

MINUTES
Town of Westfield Board of Adjustment
March 9, 2020

The Westfield Board of Adjustment met on Monday, March 9, 2020, at the Westfield Municipal Building, 425 East Broad Street, Westfield, New Jersey.

In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT of the State of New Jersey, adequate notice of this meeting was provided by posting on the public bulletin board and publication in the newspapers that have been designated to receive such notice: the Westfield Leader and the Star Ledger.

REGULAR MEETING:

Chairman Masciale opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

ROLL CALL: Chris Masciale, Frank Fusaro, Michael Cohen, Carla Bonacci,
Matt Sontz, Mary Doyle, Samuel Reisen
ABSENT: Allyson Hroblak and Eldy Pavon
ALSO PRESENT: Diane Dabulas, Esq., Donald Sammet, Town Planner and Linda Jacus,
Board Secretary

ADOPTION OF MINUTES:

Chairman Masciale called for a motion to adopt the minutes of the February 10, 2020, meeting. Frank Fusaro made a motion to adopt the minutes; Carla Bonacci seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Carla Bonacci,
Matt Sontz, Mary Doyle, Samuel Reisen
OPPOSED: None
ABSTAINED: None
ABSENT: Allyson Hroblak and Eldy Pavon

Motion carried.

ADOPTION OF RESOLUTIONS:

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the February 10, 2020, meeting:

Joe & Chrissy Chan, 509 Boulevard, Unit A, application approved with conditions.
Lawrence & Kimberly Rolnick, 545 Boulevard, application approved with conditions.
Hannah Custom Homes, LLC., 1420 Boulevard, application approved with conditions.
Mary Rispoli, 722 Castleman Drive, application approved with conditions.
Greek Orthodox Community of the Holy Trinity of Westfield, 250 Gallows Hill Road, application approved with conditions.

Frank Fusaro made a motion to adopt the resolutions; Sam Reisen seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Carla Bonacci,
Matt Sontz, Mary Doyle, Samuel Reisen
OPPOSED: None
ABSTAINED: None
ABSENT: Allyson Hroblak and Eldy Pavon

Motion carried.

Chairman Masciale stated that the vote of any Board Member on the full set of memorializing resolutions would not be construed to include participation by any member in voting on any resolution for which s/he did not vote, nor did not vote in favor of the action taken by the Board (pursuant to N.J.S. §40:55D-10g).

CARRIED FROM FEBRUARY 10TH:

Paul Nicholson, 2165 Bayberry Lane

12/18/2019

Applicant is seeking approval to retain an existing shed and construct a garage contrary to Section 13.02A and 13.02B of the Land Use Ordinance. Ordinance allows a garage in the rear yard only. Proposed is a garage in the street side yard. Ordinance allows a shed in the rear yard only. Proposed and existing is a shed in the street side yard. **Application deemed complete December 26, 2019. 120 day decision date is April 24, 2020.**

Chairman Masciale swore in Paul Nicholson. The application was carried from January; Mr. Nicholson stated he revised the application so it would only be a one car garage, it was originally a two car garage at 20x20, and it has been reduced to 14x20. A sample of the proposed materials and color were submitted to the Board, along with pictures of what the proposed garage would look like. The garage will be a pre-fabricated steel building, and the color will be light gray. Mr. Nicholson stated the garage will be located in the side yard, closer to Lamberts Mill Road. Existing screening and fencing are in place along Lamberts Mill Road, and there are bushes from one end of the yard to the other. He would like to retain the existing shed located in the street side yard, which is used for storage of yard equipment. The current placement of the shed does not take away from rear yard and he would like to maintain his useable lawn area.

Open to the public for questions and comments. None. Closed to public questions and comments.

The Board appreciated the applicant revising the size of the garage and making it only one car. It was agreed there is quite a bit of screening on the property, and the configuration of the property is a challenge. If the garage was placed in the rear yard, the applicant would lose their useable lawn space.

Chairman Masciale called for a motion. Matt Sontz made a motion to approve with the condition the screening be maintained; Michael Cohen seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Carla Bonacci,
Matt Sontz, Mary Doyle, Samuel Reisen
OPPOSED: None
ABSTAINED: None

ABSENT: Allyson Hroblak and Eldy Pavon
Motion carried.

Application approved.

Mark & Susan Doherty, 1140 Wychwood Road

1/7/2020

Applicants are seeking approval to construct an addition contrary to Section 11.06E6, 12.04F1, 11.06E14, 11.06E7 of the Land Use Ordinance. Ordinance requires a minimum rear yard setback of 35 feet. Proposed is a rear yard setback of 31 feet. Ordinance allows a maximum building coverage of 20%. Proposed is 21.5%. Ordinance requires a side yard setback (left) of 12.5 feet. Proposed is 8.50 feet. Ordinance requires a minimum 2 car garage. Proposed and existing is a one car garage. **Application deemed complete January 23, 2020. 120 day decision date is May 22, 2020.**

Chairman Masciale swore in Mark Doherty and Robert Algarin (225 Lenox Avenue). The Board accepted Mr. Algarin's credentials as a licensed architect.

The existing floorplan was marked as Exhibit A-1. Mr. Algarin went through the plans with the Board. He stated we are looking to bump out the rear of the house on the first floor. The kitchen and family room will be expanded and a first floor bedroom will be converted to a dining room. On the second floor, the roof will be raised and the unfinished attic will become a bedroom. The town line between Westfield and Mountainside runs through the property. Forty two percent of the work is in Westfield and the application is scheduled to go before the board in Mountainside on March 24. The f.a.r and height are under the maximum allowed, and there are some variances which are pre-existing nonconforming. A side yard setback variance is required on the left side which is 8.5 feet and is not changing. The building coverage is 20.5% and is being increased to 21.5%. A two-car garage is required in the zone, and the existing one-car garage will remain. The rear yard setback will be 31 feet and a minimum of 35 feet is required. Mr. Algarin stated the lot is undersized for the RS-12 zone. A minimum of 12,000 square feet is required for the zone and the lot is undersized by 1,800 square feet. Photos were marked as Exhibit A-2. The property backs up to the Echo Lake Country Club, and there is a buffer between the country club and the applicant's property, which he maintains. Mr. Doherty stated there is also natural screening between his property and his neighbors.

Open to the public for questions and comments. None. Closed to public questions and comments.

The Board acknowledged the property is undersized for the RS-12 zone. All work will be taking place at the back of the house and there will not be any change to the front of the home. The requirement of a second garage is difficult to comply with when the lot is undersized.

Frank Fusaro made a motion to approve; Sam Reisen seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Michael Cohen, Carla Bonacci,
Matt Sontz, Mary Doyle, Samuel Reisen

OPPOSED: None

ABSTAINED: None

ABSENT: Allyson Hroblak and Eldy Pavon

Motion carried.

Application approved.

Tamra & Tim Healey, 825 Standish Avenue

10/18/2019

Applicants are seeking approval to construct a rear covered porch and reconstruct a patio contrary to Section 11.06E6, 12.04F1, 11.06E14, 12.04F3 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 23.7%. Ordinance requires a side yard setback of 12.5 feet. Proposed is 9.89 feet. Ordinance allows a maximum building coverage with a porch of 24%. Proposed is 24.3%. Ordinance requires a minimum 2 car garage. Proposed and existing is a one car garage. **Application deemed complete January 27, 2020. 120 day decision date is May 26, 2020.**

Chairman Masciale swore in Tamra & Tim Healey. Mr. Healey stated they are looking to construct a rear covered porch, and reconstruct & relocate their patio in another location with more privacy. The yard gets very hot so we would like to add a porch to provide a covering from the sun. The property has a sharp angle in the side yard so it creates an unusual shape and as a result, the existing side yard setback is 6.9 feet. The porch would have a side yard setback of 9.89 feet. Mrs. Healey stated the surrounding homes are far enough away and there is screening between their property and the neighbor on the left. The other variances they are requesting are for building coverage and building coverage with a porch. There is a requirement of a two-car garage for the zone, and there is only an existing one-car garage on the property which will remain unchanged. Mr. Healey stated they tried to keep the design of the porch consistent with the Colonial style of their home, and they wanted a porch large enough to be able to put a table and chairs on it.

Open to the public for questions and comments. None. Closed to public questions and comments.

While the Board liked the idea of the rear porch and thought it was a better use of the backyard, they were concerned with the size of the porch and the increase in the building coverage. The existing building coverage is 20.8%, and it is being increased to 23.7%. The Board asked if the applicants could reduce the size of the porch and try to bring the coverage down. The application was carried to the April 9th meeting.

NEW APPEALS:

Joseph and Jennifer Giordano, 816 Lenape Trail

1/14/2020

Applicants are seeking approval to construct a swimming pool and install a fence contrary to Section 12.04G, 12.07C, 13.01E, 13.02D3, 13.02D5 of the Land Use Ordinance. Ordinance allows a maximum coverage by improvements of 40% (7,200 square feet). Proposed is 36.5% (8,398 square feet). Ordinance allows a maximum fence height of 4 feet when located in the front yard, street side yard or in any portion of the rear yard which is closer to the abutting street than the principal building on the lot, or the minimum street side yard setback. Proposed is a 6-

foot fence in the street side yard along Munsee Way. Ordinance does not allow an accessory structure in the front or street side yard. Proposed is an arbor in the street side yard. Ordinance requires a minimum setback of 57.3 feet for the pool. Proposed is 37.1 feet. Ordinance requires a pool to be enclosed by a solid fence not less than 6 feet tall. Proposed is a 6-foot decorative post and wire fence. **Application deemed complete February 21, 2020. 120 day decision date is June 20, 2020.**

James Foerst, Esq., (159 Millburn Avenue, Millburn) appeared on behalf of the applicant.

Mr. Foerst stated the applicants are looking to install a pool and a fence around the property. The property is under the coverage percentage, but is over on the 7,200 square foot cap. The property is a corner property and fronts on Munsee Way where the setback is only 37.1 feet, and a minimum of 57.3 feet is required. The remaining variances are for the style of the proposed decorative fencing and the arbor.

Chairman Masciale swore in Greg Spadaro (534 Hort Street). The Board accepted Mr. Spadaro's credentials as a licensed landscape architect.

Mr. Spadaro marked a copy of the site rendering as Exhibit A-1 and a copy of the survey as Exhibit A-2. He referred to the survey, and went through the existing conditions on the property. The property is a half-acre, and on the corner of Munsee Way and Lenape Trail. The rear of the property is an open lawn and there is screening and vegetation around the property. The applicants are proposing to install an in ground pool. The pool will be 736 square feet and the spa will be an additional 64 square feet for a total of 800 square feet set at the existing grade. At the rear of the property will be a black coated chain link fence with evergreen trees. Around the pool will be a 6 foot tall custom cellular pvc tennis court fence in white. Also proposed is an ornamental garden arbor in the street side yard. The sight lines at the corner of Munsee Way and Lenape trail will be maintained. On Exhibit A-1 the sight triangle was plotted, and we meet the town code for the sight triangle requirements. Mr. Spadaro stated that lot is undersized for the zone. It is in the RS-24 zone where a minimum lot size of 24,000 square feet is required. The applicant's lot is only 22,987 square feet and is also short on the required width. The minimum width required is 130 feet and the lot is only 112 feet wide. The maximum improvement coverage allowed is 40% with a cap of 7,200 square feet. We are under on the percentage at 36.5%, but over on the square footage at 8,398 square feet. The property is oversized and can take on the additional coverage. There will be additional plantings and vegetation on the property so the pool will not be visible even with the open fencing, and there would not be any impact to the surrounding neighbors.

Open to the public for questions and comments. None. Closed to public questions and comments.

The Board was concerned with the improvement coverage being 1,200 square feet over what is allowed. More effort could have been made to try and comply with the ordinance by reducing the size of the pool or by reducing the area surrounding the pool. There was also concern with the open fencing, especially on the Munsee Way side. The Board asked if the applicant could try

to reduce the improvement coverage and consider solid fencing as required by the ordinance. The application was carried to the April 9th meeting.

There being no further business a motion to adjourn was made, seconded and carried. The meeting adjourned at 10:25 pm.

Respectfully submitted,

Linda Jacus
Board Secretary